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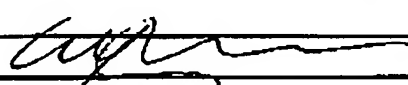
MAR 25 2010


PTO/SB/21 (10-07)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/540,679
	Filing Date	03/25/2008
	First Named Inventor	Thomas LEWIN
	Art Unit	3742
	Examiner Name	
	Attorney Docket Number	1814
Total Number of Pages in This Submission	9	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Alfred J. Mangels	
Date	3/25/10	Reg. No. 22,605

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Alfred J. Mangels	Date 3/25/10

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of]	
Thomas LEWIN]	
Serial No.: 10/540,679]	Office of Finance
Filing Date: March 25, 2008]	
For: METHOD TO SUPPLY ELECTRIC]	
CURRENT TO A TUBE FURNACE]	

RENEWED REQUEST FOR FEE REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a renewed request for the fee refund that was requested in the Reply that accompanied the PETITION TO REVIVE that was filed in this application on March 25, 2008.

Deposit Account No. 501300 was charged on March 25, 2008, in the amount of \$1,540.00 as the petition fee to revive an unintentionally abandoned application. The DECISION ON PETITIONS UNDER 37 CFR 1.137(b) and 37 CFR 1.181, dated September 29, 2008 (copy attached) concluded that the petition to revive was dismissed as moot because the Notification of Missing Requirements that was not responded to was misaddressed by the Office and was not received by the undersigned, who is the attorney of record. Accordingly, the Notification of Abandonment was vacated and the petition to withdraw the notification of abandonment was granted.

The basis for the conclusions are stated in the attached Decision on Petition. That

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ATTORNEY AT LAW

→ PTO CENTRAL

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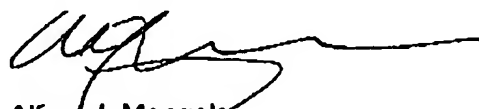
basis is that the Notification of Missing Requirements that was included in the file of this application did not relate to this application in that "it refers to a different U.S. application number, different counsel, different International application, etc." And the PCT Legal Examiner stated, "Thus, failure to respond to that Notice cannot lead to abandonment of the instant application. Accordingly the Notification of Abandonment mailed on 17 January 2008 is VACATED."

In view of the facts stated in the Decision on Petition, and in view of the examiner's conclusion that this application had not been abandoned because there was no basis for the finding of abandonment, the Petition to Revive was essentially found not to be necessary. Because of those conclusions, a refund of the \$1,540.00 petition fee that was paid is warranted.

A request was made in the REPLY TO NOTIFICATION OF ABANDONMENT filed on March 25, 2008 (copy attached but without Exhibits) that if the petition fee is charged, it should be refunded (see the first full paragraph on page 3). To date, no refund of that petition fee has been credited to the undersigned's Deposit Account No. 501300. The previously submitted request for a refund of the petition fee is therefore hereby renewed.

Please contact the undersigned if any questions arise or if additional information is needed.

Respectfully submitted,



Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Telephone: (513) 469-0470

March 25, 2010

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 COMMISSIONER FOR PATENTS
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 P.O. BOX 1458
 ALEXANDRIA, VA 22310-1458
 www.uspto.gov

Alfred J. Mangels
 4729 Cornell Road
 Cincinnati, OH 45241-2433

In re Application of:	:	
Thomas Lewin	:	DECISION ON
Application No.: 10/540,679	:	
PCT Application No.: PCT/SE03/01886	:	PETITIONS UNDER
Int. Filing Date: 04 December 2003	:	
Priority Date: 23 December 2002	:	37 CFR 1.137(b) and
Atty Docket No.: 1814	:	
For: METHOD TO SUPPLY ELECTRIC	:	37 CFR 1.181
CURRENT TO A TUBE FURNACE	:	

Applicant's "Reply to Notification of Abandonment" and "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 25 March 2008 is have been received. Applicant's "Reply to Notification of Abandonment" which is being treated as a petition under 37 CFR §1.181 to have the Notification of Abandonment withdrawn is **GRANTED**. The petition to revive under 37 CFR §1.137(b) is **DISMISSED AS MOOT**.

BACKGROUND

On 04 December 2003, applicant filed international application PCT/SE03/01886. The international application claims a priority date of 23 December 2002 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 23 June 2005. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 23 June 2005.

On 23 June 2005, applicant filed a transmittal letter requesting entry into the national phase under 35 U.S.C. 371 and an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1). An oath or declaration of the inventor as required by 35 U.S.C. 371(c)(4) was not submitted.

On 17 January 2008, the Office mailed applicant a Notification of Abandonment for failing to respond to the Notification of Missing Requirements mailed 19 December 2005.

Application No.: 10/540,679

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On 25 March 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a declaration of the inventor as required by 35 U.S.C. 371(c)(4) and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION


The Notification of Abandonment mailed 17 January 2008 indicates that the instant application is abandoned for failure to timely respond to the Notification of Missing Requirements dated 19 December 2005. However, the Notification of Missing Requirements under 35 U.S.C. 371 mailed on 19 December 2005 and present in the instant application is not related to this application. It refers to a different U.S. application number, different counsel, different international application, etc. Thus, failure to respond to that Notice cannot lead to abandonment of the instant application. Accordingly, the Notification of Abandonment mailed on 17 January 2008 is VACATED. The aforementioned misdirected Notification of Missing Requirements will be removed from the instant application.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is DISMISSED AS MOOT.

The petition to withdraw the Notification of Abandonment under 37 CFR 1.181 is GRANTED.

The application has an international filing date of 04 December 2003 under 35 U.S.C. 363 and a date of 25 March 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.


Boris Milef
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailer
PCT Legal Administration

Telephone: (571) 272-6094

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MAR 25 2010

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Thomas LEWIN

Serial No.: 10/540,679

Filed: June 23, 2005

For: METHOD TO SUPPLY ELECTRIC
CURRENT TO A TUBE FURNACE]

Group Art Unit

Examiner:

REPLY TO NOTIFICATION OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to a NOTIFICATION OF ABANDONMENT dated January 17, 2008 (copy attached as Exhibit A) relative to the above-identified application.

This application was held abandoned for failure to meet the complete filing requirements. The application is a PCT U.S. national phase application that is based upon PCT/SE03/01886, which designates the U.S. The application papers to enter the U.S. national phase were deposited on June 23, 2005, but did not include an inventor's declaration. The undersigned was awaiting the issuance of a NOTIFICATION OF MISSING REQUIREMENTS, but no such Notification was ever received. And because PCT national phase

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applications have characteristically involved much slower processing times in the Office, the delay was not considered to be especially unusual.

Periodic checks by the undersigned of the status of the application on the PAIR system were made on 07/12/2006, 08/11/2006, 09/27/2007, and 12/31/2007. In each instance the system indicated that the status was: "Application undergoing Preexam processing." Attached hereto as Exhibit B is a printout dated 12/31/2007, of the most recently checked PAIR system Application Data page for this application, which again showed the status of the application as: "Application undergoing Preexam processing."

After receiving the NOTIFICATION OF ABANDONMENT the undersigned again checked the PAIR system for this application. On the Image File Wrapper page (copy attached as Exhibit C) is an entry dated 12-19-2005 that was identified as: "Missing Requirements Mailed." However, when that document (copy attached as Exhibit D) is accessed and printed, it reveals that it was not directed to the undersigned, who is the sole attorney of record for this application, but, instead, to a Minneapolis, Minnesota firm (customer number 28075, instead of 22676). Moreover, that document relates to a different U.S. application number (10/540,810; instead of 10/540,679), it identifies a different inventor (Johannes Georg Schaede, instead of Thomas Lewin), it identifies a different Attorney Docket No. (1204.1113101, instead of 1814), it identifies a different International Application Number (PCT/IB04/00059, instead of PCT/SE03/01886), it identifies a different International Application filing date (01/08/2004, instead of 12/04/2003), and it identifies a different Priority Date

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(01/15/2003, instead of 12/24/2002). Thus, the missing requirements document associated in the PAIR system with the present application relates to a different application, and therefore it cannot constitute a sufficient notification that would warrant abandonment if not timely complied with. Additionally, even as of this date the PAIR system does not presently identify a correctly addressed missing requirements document as having been issued for this application, and therefore there has been no failure to conform with a date for providing any missing requirements that would warrant abandonment of the present application.

Filed concurrently with this Reply is a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER

37 CFR 1.137(b). But based upon the facts related above, there is no proper basis for a holding of abandonment of the present application, because a correct NOTIFICATION TO FILE MISSING REQUIREMENTS has not been issued. Thus, the petition fee authorized in the Petition should not be necessary in order to revive the present application, and if charged, it is requested that it be refunded to the Deposit Account of the undersigned (Deposit Account No. 501300). Further, the concurrently-filed Petition includes

as an attachment the item that would have been identified as the missing requirement for this application, which is the Inventor's Declaration to complete the filing requirements.

The examiner is cordially invited to telephone the undersigned attorney if this Reply raises any questions, so that any such question can be

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quickly resolved in order that the present application can be restored to active status.

Respectfully submitted,



March 20, 2008

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470